

REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 33-65, were rejected. Claims 33-36, 40-45, and 49-50 were rejected under Section 102(b) over 3GPP document TS 25.304 v4.50. Claims 37-38 and 46-47 were rejected under Section 103(a) over the combination of the 3GPP document and Czaja. Claims 39, 48, 51-54, 57-62, and 64-65 were rejected under Section 103(a) over the 3GPP document. And, claims 55-56 and 63 were rejected under the combination of sections 5.2.7.1 and 8.2 of the 3GPP document and Czaja.

The Applicants acknowledge the Examiner's specificity in the identification of the portions of the 3GPP document upon which reliance was placed to support the rejection of the claims.

The Applicants, however, respectfully traverse the rejection of the independent claims, claims 33, 42, 51, and 59, over the 3GPP document.

Specifically, the Applicants assert that the 3GPP document fails to disclose use of a candidate set of cells in which at least one cell is not a cell supporting the existing connected mode state. Claim 33, for instance, includes recitation of identifying a set of candidate cells wherein at least one of the set is a cell which is not currently supporting the connected mode state. Independent claims 42, 51, and 59 each include analogous recitations.

Section 5.2.7 of the 3GPP document specifies that, when returning to the idle mode from a connected mode, the user equipment (UE) must select, and camp on, a suitable cell. Section 5.2.7.1 of the 3GPP document further describes a cell selection criteria when the UE leaves a connected mode to move to an idle mode as, "candidate cells for this selection are the cell(s) used immediately before leaving connected mode." Therefore, this means that candidate cells for selection are the existing serving cell or the

set of actively connected cells. The 3GPP document therefore does not disclose the establishing of a candidate cell set that includes at least one member corresponding to a cell that is not currently supporting the first connected mode state, as recited in the independent claims. Accordingly, the Applicants believe that the rejection of the independent claims under Section 102(b) is an error.

Paragraph [0046] of the subject patent application states that, "selecting a cell for casing(c) is covered in Section 5.2.7 of TS 25.304. However, the Cell_FACH transition to idle case only requires cell selection if a different frequency can be specified, which has been proposed as a change request to TS 25.331.

Paragraph [0047] of the subject patent application provides explanation of problems associated with the approach disclosed in the 3GPP document. The paragraph states as follows:

"So in the prior art, upon transition between connected states or from a connected state to an idle mode, the only applicable cell selection procedures select a cell from an existing active set for a UE or use the existing serving cell. However, this can result in inefficient use of resources. The serving cell may not be the best available cell and the active set may not include the best available cell from which to select. The serving cell or active set was selected on the basis of the capacity needs of the UE in one particular connected state. Once the UE moves from that state, the serving cell or active set may no longer be the most appropriate. Efficiency of the radio link and power consumption may no longer be optimised in a different state since the communication needs of the UE will have changed."

The subject patent application discloses a solution to this problem in the prior art, and suggests the use of a candidate set of cells in which at least one cell is not a cell

supporting the existing connected mode state. Significant improvements in cell selection is provided in at least several situations.

Paragraphs [0055] and [0056], e.g., state that:

"In a first example, the transition of the equipment from an existing connected mode state could have been in response to a UTRAN message indicating a UTRAN preferred cell. In the prior art, if the UTRAN preferred cell is not amongst the one or more cells supporting the existing connected mode state (that is, the UTRAN preferred cell is not the existing serving cell or in the existing active set), then it will not be selected. However, the UTRAN is likely to have significant reasons for preferring a cell, such as congestion avoidance in other cells or to reduce the need for cell updates by the UE by choosing a large cell. If the UTRAN preferred cell is not selected, the UE is immediately forced to perform a cell update procedure, for example as specified in Section 8.2.2.3 of TS 25.331."

"Thus the at least one predetermined criterion might be that said at least one cell comprises a cell identified to the mobile communications equipment by the network. Such a cell could be a UTRAN preferred cell or a cell of a virtual active set."

The Applicants further assert that no combination of the 3GPP document and Czaja can be formed to create the recited invention. Czaja was cited for disclosing stored information that comprises power measurement data. This reference, therefore, was neither cited for showing, nor appears to show, the use of a candidate set of cells in which at least one cell is not a cell supporting the existing connected mode state. Therefore, Czaja cannot be combined with the 3GPP document to form the invention recited in the independent claims.

The dependent claims, which include all of the recitations of their respective parent claims, are believed to be patentably distinguishable over the 3GPP document, taken alone or in combination with Czaja, for the same reasons as those just-given with respect to their parent claims.

In light of the foregoing, therefore, independent claims 33, 42, 51, and 59, and dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/ Robert H. Kelly /

Robert H. Kelly
Registration No. 33,922

KELLY & KRAUSE, L.P.
6600 LBJ Freeway, Suite 275
Dallas, Texas 75240
Telephone: (214) 446-6684
Fax: (214) 446-6692
robert.kelly@kelly-krause.com